

**RESOLUTION INTRODUCING ORDINANCE  
AND PROVIDING FOR PUBLIC NOTICE AND HEARING**

(R15-43)

**INTRODUCED BY COUNCILMEMBER RICH**

**BE IT RESOLVED**, that an introductory ordinance, entitled "Zoning Amendment to the Central Commercial District (C-2) Regulating Height of Buildings" and it hereby is introduced before the Common Council of the City of Poughkeepsie in the County of Dutchess and State of New York; and

**BE IT FURTHER RESOLVED**, that the Common Council hereby appoints and declares its intent to be "Lead Agency" for purpose of SEQRA; and

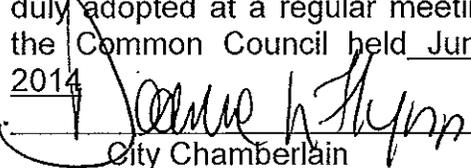
**BE IT FURTHER RESOLVED** that copies of the aforesaid proposed Ordinance are laid upon the desk of each member of the Council; and

**BE IT FURTHER RESOLVED** that the Council shall hold a public hearing on said proposed local law at City Hall, 62 Civic Center Plaza, Poughkeepsie, New York, at 5:30 o'clock P.M., on June 15, 2015; and

**BE IT FURTHER RESOLVED**, that a copy of this introductory local law shall be forwarded by the Clerk to the Planning Board, Zoning Board of Appeals and Dutchess County Planning Department, and Historic District & Landmarks Preservation Commission for their comments; and

**BE IT FURTHER RESOLVED**, that the Clerk publish or cause to be published a public notice in the official newspaper of the City of Poughkeepsie of said public hearing at least five (5) days prior thereto.

**SECONDED BY COUNCILMEMBER HERMANN**

<p>Submitted to Council: June 1, 2015 Council Action: Approved Roll call vote taken: Yes <u>X</u> No _____ Ayes 8 Nays 0 Abstain 0 Absent 0 Approved by Mayor on <u>6/3/15</u> Mayor's Signature <u></u></p>	<p>I hereby certify the foregoing to be a true and correct copy of a Resolution duly adopted at a regular meeting of the Common Council held <u>June 1, 2015</u> <u></u> City Chamberlain</p>
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# The City of Poughkeepsie

New York

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Poughkeepsie, New York 12601  
TEL: (845) 451-4065 FAX: (845) 451-4070

May 23, 2015

**CC Meeting: 6/1/15**  
**ITEM VII- 2**

**COMMON COUNCIL**  
**City of Poughkeepsie**

**RE: Amendment to C-2 Zoning District**

Dear Chairman Petsas and Councilmembers:

Attached hereto is a proposed zoning amendment that has been prepared by the developer of 278 Main Street. The developer wished to amend the Central Commercial District (C-2) to prohibit the construction of new buildings on zero lot-lines and the enlargement in height of existing buildings where such act would create a nonconforming use in the adjacent parcel. Such act would be permitted with a five foot set-back.

This ordinance was drafted and produced by the developer. Generally City staff has been opposed the rezoning of the entire district for this single project. While staff has only provided limited review, their comments are concerned with the legal rights of adjoining property owners and the air rights; the negative aesthetics of having a potential five-foot wide negative space between two buildings, especially one with windows; the potential to discourage development of in-fill lots which are numerous in the current C-2 district; and its inconsistency with the current zoning and the 1998 Comprehensive Plan.

The resolution proposes a public hearing scheduled for June 15, 2015 at 6:00 p.m.

Respectfully submitted,

Paul Ackermann, Esq.  
Corporation Counsel

PA:mt  
Attachment

**ORDINANCE AMENDING §19-3.23 OF CHAPTER 19 OF THE CODE OF  
ORDINANCES OF THE CITY OF POUGHKEEPSIE ENTITLED  
“ZONING AND LAND USE REGULATIONS”**

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_ :

BE IT ORDAINED, by the Common Council of the City of Poughkeepsie, as follows:

**Section 1:** §19-3.23 of the City of Poughkeepsie Code is hereby amended by the following additions:

Section 19-3.23 Central Commercial District (C2)

(4) Lot and bulk requirements. Lot and bulk requirements shall be as follows:

(a) Minimum required lot area: none.

(b) Maximum lot coverage of principal and accessory buildings: 100%, except, where applicable, the following minimum yards and setbacks shall apply:

1. Front yard. Where the block frontage is located partly in the C-2 District and partly in an R-1 through R-6 or O-R District, the front yard requirement of the R or O-R District shall apply in the C-2 District.
2. Side yard. Where the side of a lot in the C-2 District abuts upon the side of a lot in an R or O-R District, there shall be a side yard of not less than the side yard required in the abutting R or O-R District. In all other cases a side yard for a commercial building shall not be required but, if provided, shall not be less than six feet in width.
3. Rear yard. Where the C-2 District abuts upon an R or O-R District, there shall be a rear yard of not less than 15% of the depth of the lot, but such a rear yard need not exceed 20 feet. In all other cases a rear yard is not required, except that if one is provided it shall not be less than eight feet in depth. In the case of a corner lot abutting a nonresidential district on both streets, both interior property lines shall be considered to be side lot lines. (Note: This avoids the need for a rear yard on a corner lot in a C-2 District which would disrupt the continuity of frontage.)

(c) Maximum floor area ratio (FAR).

1. For building on lots containing 5,000 square feet or less, a maximum FAR of 4.0 is allowed.
2. For each 1,000 square feet of lot area in excess of 5,000 square feet, an additional FAR of 1.0 may be added to the basic FAR of 4.0, to a maximum FAR of nine and 9.0.

3. Upon approval by the Planning Board, a bonus FAR of 1.0 may be added if the proposed use or occupancy of 75% or more of the leasable floor area of the ground floor of a building is for retail, restaurant or banking activity.
4. In no instance shall the maximum FAR allowed exceed 10.0.

(d) Height limitation. The maximum height of a building shall be 100 feet, measured from the street, road or driveway providing access for fire-fighting equipment, to the roof line. Except as provided below, no building shall exceed 10 stories in height.

1. Waiver of height limitation. In the site plan review process, the Planning Board may approve an application for construction of a building in excess of the one-hundred-foot height limitation, but not in excess of 120 feet, or in excess of 10 stories but not exceeding 12 stories, conditioned upon the review and approval by the Fire Chief of detailed construction drawings which incorporate all fire safety elements as mandated by the State Building Construction Code, Pamphlet No. 14 of the National Fire Codes entitled "Standpipe and Hose Systems," and any other requirements as specified by the Fire Chief or Fire Inspector which shall ensure the maximum protection of life and property against fire hazards.

**(e) Upper Story Setbacks on Principal Buildings: In order to ensure that building height extensions or the construction of new principal buildings on infill lots do not create new nonconformities to pre-existing adjacent structures with regard to wall openings and other requirements of the Uniform Fire Prevention and Building Code; or create functionally obsolete wall openings for the purposes of light and ventilation; or obstruct access of emergency service vehicles to upper floors of existing adjacent structures, the following setback requirements shall apply:**

1. **Where a height extension is proposed on an existing principal building, said extension shall be setback a minimum of 5 feet from any pre-existing, legal exterior wall openings, such as windows, of an adjacent principal building located on an abutting lot.**
2. **The construction of a new principal building on a lot that abuts a lot with a pre-existing principal building with a side yard setback of zero is permitted to be constructed with a side yard setback of zero on the first floor. However, for all additional floors above the first floor, a setback of at least 5 feet shall be required from any existing exterior wall openings, such as windows, of the adjacent pre-existing principal building. The setback shall be measured from the lot line.**

**Section 2:** This Ordinance shall take effect immediately.

SECONDED BY COUNCILMEMBER \_\_\_\_\_

Additions denoted by **Bold** and Underlining

# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>				
Name of Action or Project: Zoning Amendment to the Central Commercial District (C-2)				
Project Location (describe, and attach a location map): Main Street, Washington Street, and other areas of City				
Brief Description of Proposed Action: The proposed zoning amendment would regulate the height of buildings in the C-2 zoning district that are on zero lot-lines where the act would create a nonconforming use on the adjacent property.				
Name of Applicant or Sponsor: City of Poughkeepsie Common Council		Telephone: (845) 451-4200 E-Mail: chamberlain@cityofpoughkeepsie.com		
Address: 62 Civic Center Plaza				
City/PO: Poughkeepsie		State: New York	Zip Code: 12601	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ acres				
b. Total acreage to be physically disturbed? _____ acres				
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland				



<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p><b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b></p> <p>Applicant/sponsor name: _____ Date: _____</p> <p>Signature: _____</p>		